

**Reinvest in Minnesota (RIM) – Wetlands Reserve Program (WRP)**  
**2010 General Program Eligibility Guidance**

3/24/10

**Section I - Landowner Eligibility**

For a landowner or group of landowners to be eligible for enrollment, three general ownership conditions must be met. These three conditions must be verified at the time of application. If any of these conditions are not met, the parcel and/or owner are not eligible for the program. Do not continue with the application process.

**1) Ownership**

- a. Only private land or land owned by Indian Tribes may be considered for enrollment into RIM-WRP.
- b. Indian Tribes are eligible for enrollment into 30-year restoration contracts.
- c. The land being offered for enrollment into WRP must have been owned by the applicant for a minimum of seven (7) years at the time of application. To support this ownership requirement, a copy of the property deed(s) must be included with the application for each separate property parcel included in the application area.

**2) Adjusted Gross Income (AGI)**

The applicant as an individual or entity is not eligible for WRP if their average AGI exceeds \$1 million for the three tax years immediately preceding the year of the WRP application. An exemption is provided in cases where 2/3 of the AGI is derived from farming, ranching, or forestry operations.

**3) Conservation Compliance (HEL/WC)**

The applicant as an individual or entity is not eligible for WRP if:

- a. They are determined ineligible for USDA program benefits under the highly erodible land (HEL) provisions of the Food Security Act, as amended; or
- b. Both they and the land being offered for enrollment are determined to not be in compliance with the “swampbuster” provisions of the Food Security Act.

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### **Section II – Site Eligibility**

The purpose of the RIM-WRP Partnership Program is to identify and enroll under permanent easement lands that contain drained/alterd wetland ecosystems and adjoining buffers where the functions and values of those wetland ecosystems can be restored.

#### **1) Drained/Altered Wetland Areas**

The eligibility of each application for enrollment into RIM-WRP requires that restorable drained or altered wetland areas exist within the parcel/project area.

General eligibility criteria for drained/alterd wetland areas include:

- Cropped drained and altered wetlands
- Non-cropped drained and altered wetlands
- Farmed or cropped existing, natural wetlands
- Wetlands that were previously restored through another program

The process used to identify these eligible drained/alterd wetland areas along with the required outcomes for restoration is provided in the **2010 RIM-WRP Wetland Restoration Eligibility and Guidance Document**. Definitions of cropland and non-cropland are provided in the **2010 RIM-WRP program Q & A document**.

#### **2) Adjacent Lands**

Applications should include adequate, additional buffer areas of adjacent lands that are needed to accommodate wildlife habitat, improve water quality, and reduce erosion, etc., to help ensure the stability and health of restored wetland areas. The enrollment of adjacent lands as a buffer to the identified drained and altered wetland areas is limited to a maximum of eight (8) acres of buffer for each acre of eligible drained/alterd wetland enrolled.

Further restrictions on the use and definition of buffer are as follows:

Cropped Uplands - Upland areas that meet program crop history criteria can be enrolled as a buffer with no limits other than the general 8:1 maximum enrollment requirement. Land that is currently enrolled into CRP shall be considered as meeting program crop history criteria and is eligible for consideration as cropped upland buffer. The exception to this is CRP acres that have been planted to trees as they are not eligible for WRP.

Other Lands - Other eligible lands include uplands, existing wetlands, ditches and other watercourses that do not meet the criteria for crop history. The enrollment of these other eligible lands as a buffer will be limited to no more than 20 percent of the sum of the total acres of eligible drained/alterd wetlands and the eligible cropped upland buffer.

#### **3) Donated Lands**

Occasionally, it will be desired to include under easement certain lands that will not provide a benefit to the functions and values of the restored wetlands or that are ineligible for easement compensation. In certain situations, these areas can be enrolled as donated acres, or land that is included in the easement without compensation. The enrollment of donated areas will be allowed primarily to simplify the definition and maintenance of easement boundaries as they relate to property ownership.

Note that donated acres that are enrolled should not be considered as “adjacent lands” with respect to the maximum 8:1 enrollment criteria or the 20 percent limit on “other lands”. In other words, an application could exceed either of these criteria if the amount exceeded is enrolled as eligible donated acres.

Examples of eligible donated acres include:

**a. Public Waters and Public Waters Wetlands**

RIM Reserve Program policy states that all Public Waters and Public Waters Wetlands as identified by DNR through specific determinations or on the Public Waters Inventory are eligible for enrollment but shall not receive compensation. Program preference is to whenever practicable, to exclude these areas from enrollment altogether. However, in some situations, it is more practicable to include all or portions of these protected areas within the easement application area. In doing so, the boundary of the protected areas must be defined with the protected area being treated as donated acres. There are two exceptions to this requirement, they are:

*Restorable Public Waters and Public Waters Wetlands* - There are no easement compensation restrictions on Public Water and Public Waters Wetland Areas that are drained or altered wetlands when their physical restoration is planned as part of the project’s enrollment. These areas should be treated as cropped or non-cropped restorable wetland area and compensated accordingly.

*Cropped Public Waters and Public Waters Wetlands* - There are no easement compensation restrictions on Public Water and Public Waters Wetland Areas that are not considered restorable, but are cropped and meet program cropping history criteria. These areas should be treated as cropped adjacent lands and compensated accordingly. Note that they are considered as cropped adjacent lands and must comply with the general 8:1 maximum enrollment requirement.

**b. Drainage Ditches**

Existing drainage ditch systems that will no longer serve a useful purpose or otherwise benefit adjoining upstream properties are eligible for enrollment and compensation. This includes, but may not be limited to ditches that will be plugged, filled, or otherwise abandoned as part of planned wetland restoration work. This also includes any remnant reaches of a ditch system that will remain functioning only to serve as an outlet for a planned wetland restoration.

Existing drainage ditches that will remain functioning through an easement area are generally also eligible for enrollment but shall not receive compensation. This includes both public and private drainage ditches that provide upstream drainage benefits that need to be maintained. Continued maintenance of these ditch systems is expected and will be allowed under the easement terms and conditions. The ditch area that is not eligible for compensation should be enrolled as donated acres. This includes the designated ditch right-of-way and additional width, as deemed necessary for reasonable access and ditch maintenance work (typically one rod from top of ditch bank).

There is no specific policy in terms of when a functioning ditch should be included in or excluded from an easement application area. In general, if a ditch runs through or divides an application area, there should be a strong consideration to include it as donated acres. If the ditch only borders an application area, preference is to exclude it from the application, especially when it is a public ditch system or ditch system that is governed under private drainage easements or agreements. The area to be excluded should follow the guidance for determining the donated area in the above paragraph.

To assist with determining site eligibility using the above eligibility criteria, a **RIM-WRP Land Eligibility Acreage Calculator** has been developed. This form is included in the forms document file and must be completed and submitted with each application.